

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BILL LIETZKE,

Plaintiff,

v.

No. 16cv1296 WPL

CITY OF MONTGOMERY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER
TRANSFERRING CASE TO MIDDLE DISTRICT OF ALABAMA

THIS MATTER comes before the Court on Plaintiff's Complaint, Doc. 1, filed November 28, 2015. For the reasons stated below, the Court concludes the District of New Mexico is not a proper venue for this case and **TRANSFERS** this case to the Middle District of Alabama.

The statute governing venue in general states:

Venue in general.--A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

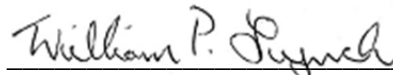
28 U.S.C. §1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

Plaintiff filed his Complaint asserting claims for violation of his First and Fifth

Amendment Rights, libel and slander based on the following alleged facts. In March, June, July and October, 2015, the City of Montgomery, Alabama, acting through its police officers, detained Plaintiff “without lawful privilege on the false complaint[s] and false report[s]” that Plaintiff was “running in and out of traffic,” “running in the middle of the lanes,” “walking in the middle of the street,” “running in the traffic lanes,” “walking in the traffic lanes,” “disrupting traffic,” and “was going to get hit by a car.” Complaint at 1-2.

The Court concludes the District of New Mexico is not a proper venue for this case under § 1391(b), because none of the defendants are residents of the State of New Mexico, and because a substantial part of the events or omissions giving rise to the claim did not occur in New Mexico. The Court will transfer this case to the Middle District of Alabama because the Complaint indicates that the events giving rise to this case occurred in the City of Montgomery, Alabama, and that all of the Defendants appear to reside in or near the City of Montgomery, Alabama.

IT IS ORDERED that this case is **TRANSFERRED** to the Middle District of Alabama.

A handwritten signature in black ink, reading "William P. Lynch", is written over a horizontal line.

WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE